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09/534,233	03/24/2000	Khai Hee Kwan		3307

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EXAMINER

GRAHAM, CLEMENT B

ART UNIT PAPER NUMBER

3628

DATE MAILED: 08/18/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/534,233

Applicant(s)

KWAN, KHAI HEE

Examiner

Clement B Graham

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-19 and 24-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-19 and 24-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 18.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Applicant's arguments filed on 05/06/2003 are moot in view of the new grounds of rejections.
2. Claims 20-23 was cancelled and claims 34-38 has been added and claims 15-19, and 24-33 remained.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action: (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 148 USPQ 459, that are applied for establishing a background for determining obviousness under 35 U.S.C.

103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or unobviousness.

5. Claims 15-19 and 24-33, are rejected under 35 U.S.C. 103(a) as being unpatentable over Zandil U.S. Patent No. 5,966,699 in view of Brown U.S. Patent No. 6,167, 386.

As per claim 15, Zandi disclose in one of many embodiments, receiving, over the network, a deposit application from a prospective, depositor who is a respective one of the users; storing said deposit application in a database, displaying the deposit application over the network, maintaining data representative of the status of the prospective depositor's who application, the data comprising information on each of a plurality of submitted responsive bids, receiving from at least one bidder, who is a

respective one of the users communicating over the network, at least a respective one of the responsive- bids for said application.(See column 9 lines 55-65 and column 10 lines 5-10 and column 3 lines 60-65). Zandi also disclose selecting one of the at least one responsive bids as a winning bid. (See column 11 lines 5-10). Zandi does not explicitly teach displaying the deposit application over the network. However Brown disclose displaying the deposit application over the network. (See column 4 lines 60-65 and column 5 line 45-55 and column 7 lines 25-35). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Zandi to include Brown in order to solicit from users deposit application over a network. The benefit would have been to attract a larger volume of customers for a financial gain of an institution.

As per claim16, Zandi disclose wherein the received deposit application comprises permissible personal information and terms of deposit on offer as subscribed by the prospective depositor. (See column 10 lines 35-40). However Brown disclose account creation computer has storage capability for storing a bidder account, that includes the bidder name financial account number and bidder identification.(See column 5 lines 45-55). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Zandi to include Brown in order to obtain permissible personal and terms of deposit on offer as subscribed by prospective depositor. The benefit would have been to receive deposit application with terms and conditions of the deposit.

As per claim 17, Zandi disclose a step of receiving at the host computer from a

host authorizer an electronic instruction indicating that the deposit application is approved for solicitation and display over the network. (Note abstract and see column 9 lines 60-65 and column 10 line5). However it would have been obvious to one of ordinary Zandi to include Brown in order for the host computer to authorized the application as being approved. The benefit would have been to only have approved users applications for solicitation and display over the network.

As per claim 18, Zandi does not explicitly teach assigning a handle to conceal a real identity of the prospective depositor for the deposit application to be displayed over said network. However Brown disclose conceal a real identity of the prospective depositor for the deposit application to be displayed over said network. (See column 7 line 35). It would have been obvious to on e of ordinary skill in the art at the time the invention was made to combine the teachings of Zandi to include Brown in order conceal a real identity of the prospective depositor. The benefit would have been to not to disclose the identity of prospective users.

As per claim 19, Zandi disclose notifying the bidder who submitted the winning bid. (See column 11 lines 5-10). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include combine the teachings of Zandi to include Brown in order to notifying the bidder who submitted the winning bid. The benefit would inform the winning bidder.

As per claim 20. Zandi disclose wherein users comprise at least one financial institution and at least one prospective depositor. (Note abstract). However Brown disclose users comprise at least one financial institution and at least one prospective

depositor. (Note abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made that modifying the teachings of Zandi to include Brown would have comprise of financial institution and at least one prospective depositor. The benefit would have been for a prospective depositor to conduct business with a financial institution.

As per claim 21, Zandi disclose wherein the received deposit application comprises permissible personal information and terms of deposit on offer as subscribed by the prospective depositor. (See column 10 lines 35-40). However Brown disclose account creation computer has storage capability for storing a bidder account, that includes the bidder name financial account number and bidder identification.(See column 5 lines 45-55). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Zandi to include Brown in order to obtain permissible personal and terms of deposit on offer as subscribed by prospective depositor. The benefit would have been to receive deposit application with terms and conditions of the deposit.

As claim 22, It would have been obvious to one of ordinary skill in the art at the time the invention was made that, wherein said data representative of the status of the prospective depositor's application is accessible to users over a network are common function the art and. The benefit would have been to determine the status of an application in regards to whether it is approved or not.

As per claim 23, It would have been obvious to one of ordinary skill in the art at the time the invention was made that receiving, a second electronic instruction from the

prospective depositor authorizing the bidder who submitted the winning bid to access a real identity of the prospective depositor for a second selected period of time. It would have been obvious to one of ordinary skill in the art at the time the invention was made that these are commonly used function in the art. The benefit would have been to access a real identity of the prospective depositor.

As per claim 24, Zandi disclose wherein said network comprises at least one client computer and the host computer, said host computer further comprising a host authorizer. (Note abstract and see column 9 lines 60-65 and column 10 line 5). However it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Zandi to include Brown in order for the host computer to authorized the application as being approved. The benefit would have been to only have approved users applications for solicitation and display over the network.

As per claims 25-26, Zandi disclose in one of many embodiments, receiving, over the network, a deposit application from a prospective, depositor who is a respective one of the users; storing said deposit application in a database, displaying the deposit application over the network, maintaining data representative of the status of the prospective depositor's who application, the data comprising information on each of a plurality of submitted responsive bids, receiving from at least one bidder, who is a respective one of the users communicating over the network, at least a respective one of the responsive- bids for said application.(See column 9 lines 55-65 and column 10 lines 5-10 and column 3 lines 60-65). Zandi also disclose selecting one of the at least one responsive bids as a winning bid. (See column 11 lines 5-10). Zandi does not

explicitly teach displaying the deposit application over the network. However Brown disclose displaying the deposit application over the network. (See column 4 lines 60-65 and column 5 line 45-55 and column 7 lines 25-35). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Zandi to include Brown in order to solicit from users deposit application over a network. The benefit would have been to attract a larger volume of customers for a financial gain of an institution.

As per claim 27, Zandi does not explicitly teach assigning a handle to conceal a real identity of the prospective depositor for the deposit application to be displayed over said network. However Brown disclose conceal a real identity of the prospective depositor for the deposit application to be displayed over said network. (See column 7 line 35). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Zandi to include Brown in order to conceal a real identity of the prospective depositor. The benefit would have been to not to disclose the identity of prospective users.

As per claim 28, It would have been obvious to one of ordinary skill in the art at the time the invention was made that receiving, a second electronic instruction from the prospective depositor authorizing the bidder who submitted the winning bid to access a real identity of the prospective depositor for a second selected period of time. It would have been obvious to one of ordinary skill in the art at the time the invention was made that these are commonly used function in the art. The benefit would have been to access a real identity of the prospective depositor.

As per claim 29, Zandi disclose in one of many embodiments, receiving, over the network, a deposit application from a prospective, depositor who is a respective one of the users; storing said deposit application in a database, displaying the deposit application over the network, maintaining data representative of the status of the prospective depositor's who application, the data comprising information on each of a plurality of submitted responsive bids, receiving from at least one bidder, who is a respective one of the users communicating over the network, at least a respective one of the responsive- bids for said application.(See column 9 lines 55-65 and column 10 lines 5-10 and column 3 lines 60-65). Zandi also disclose selecting one of the at least one responsive bids as a winning bid. (See column 11 lines 5-10). Zandi does not explicitly teach displaying the deposit application over the network. However Brown disclose displaying the deposit application over the network. (See column 4 lines 60-65 and column 5 line 45-55 and column 7 lines 25-35). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Zandi to include Brown in order to solicit from users deposit application over a network. The benefit would have been to attract a larger volume of customers for a financial gain of an institution.

As per claim 30, It would have been obvious to one of ordinary skill in the art at the time the invention was made that receiving, a second electronic instruction from the prospective depositor authorizing the bidder who submitted the winning bid to access a real identity of the prospective depositor for a second selected period of time. It would have been obvious to one of ordinary skill in the art at the time the invention was made

that these are commonly used function in the art. The benefit would have been to access a real identity of the prospective depositor.

As per claim 31, Zandi disclose in one of many embodiments, receiving, over the network, a deposit application from a prospective, depositor who is a respective one of the users; storing said deposit application in a database, displaying the deposit application over the network, maintaining data representative of the status of the prospective depositor's who application, the data comprising information on each of a plurality of submitted responsive bids, receiving from at least one bidder, who is a respective one of the users communicating over the network, at least a respective one of the responsive- bids for said application.(See column 9 lines 55-65 and column 10 lines 5-10 and column 3 lines 60-65). Zandi also disclose selecting one of the at least one responsive bids as a winning bid. (See column 11 lines 5-10). Zandi does not explicitly teach displaying the deposit application over the network. However Brown disclose displaying the deposit application over the network. (See column 4 lines 60-65 and column 5 line 45-55 and column 7 lines 25-35). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Zandi to include Brown in order to solicit from users deposit application over a network. The benefit would have been have been to attract a larger volume of customers for a financial gain of an institution.

As per claim 32, It would have been obvious to one of ordinary skill in the art at the time the invention was made that receiving, a second electronic instruction from the prospective depositor authorizing the bidder who submitted the winning bid to access a

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real identity of the prospective depositor for a second selected period of time. It would have been obvious to one of ordinary skill in the art at the time the invention was made that these are commonly used function in the art. The benefit would have been to access a real identity of the prospective depositor.

As per claim 33, Zandi disclose a step of receiving at the host computer from a host authorizer an electronic instruction indicating that the deposit application is approved for solicitation and display over the network. (Note abstract and see column 9 lines 60-65 and column 10 line5). However it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Zandi to include Brown in order for the host computer to authorized the application as being approved. The benefit would have been to only have approved users applications for solicitation and display over the network.

Claim Rejections - 35 USC § 102

6. Rejection under 35 U.S.C 102(e), Patent Application Publication or Patent to Another with Earlier Filing Date, in view of the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 34-38, are rejected under 35 U.S.C. 102(e) as being anticipated by

Franklin et al Hereinafter Franklin U.S Patent 6, 055, 518).

As per claim 34 Franklin discloses a deposit auction system for soliciting competitive terms of deposit connected to a network, said network comprising at least one client computer and a programmed computer further comprising a database of deposit applications, said network accessible by a plurality of users within a first selected period of time, comprising:

- a) means for receiving a deposit application from a prospective depositor who is a respective one of the users, wherein said application comprising permissible personal information and money, securities or financial equivalent deposit offer terms as subscribed by the prospective depositor;
- b) anonymity means for assigning a handle to conceal a real identity of the said prospective depositor for displaying said depositor's application anonymously;
- c) means for receiving from at least one deposit-taking institution, who is a respective one of the users communicating over the network, at least a respective one of the responsive bids for said deposit application offer wherein said bid comprises responsive depositing terms, type of guarantees, payment schedule, deposit rate, securities in exchange and terms of exchange; and
- d) means for receiving an electronic instruction from the deposit applicant, notifying and authorizing at least one selected deposit-taking institution to access a real identity and personal information of said applicant for a second selected period of time.(See column 2-10 lines 5-65).

As per claim 35, Franklin discloses the system according to claim 34, further comprising means for receiving from deposit applicant communicating over the network,

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an electronic instruction selecting at least one of responsive deposit-taking institutions bided for said depositor's application. .(See column 2-10 lines 5-65).

As per claim 36, Franklin discloses the system according to claim 34, further comprising means for verifying the ownership of said money, securities or financial equivalent as subscribed by deposit applicant. .(See column 2-10 lines 5-65).

As per claim 37, Franklin discloses the system according to claim 34, further comprising means for maintaining data representative of bids for the depositor's application in a database accessible to users over a network, said data comprising depositing terms, type of guarantees, payment schedule, deposit rate, securities in exchange and terms of exchange information on each of a plurality of submitted responsive bids. .(See column 2-10 lines 5-65).

As per claim 38, Franklin discloses the system according to claim 34, adapted to further promote a completely anonymous deposit auction, by including means for assigning a handle to conceal a real identity of the deposit taking institution.(See column 2-10 lines 5-65).

Conclusion

RESPONSE TO Arguments

8. Applicant 's arguments filed on 05/06/2003 are moot in view of the new grounds of rejections.

Any inquiry concerning this communication or earlier communication from the Examiner should be directed to Clement Graham whose telephone number is (703) 305-1874 Or


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Hyung S. Sough whose telephone number is (703) 308-0505. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM. The fax phone number for this Art Unit is (703) 305-0040. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist

whose telephone number is (703) 305-3900.

CG

08/11/2003


FRANTZY POINVIL
PRIMARY EXAMINER
Au 3628